

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHNNY MARTINEZ,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

20-CV-4400 (DC)

99-CR-1048-4 (DC)

ORDER

DENNY CHIN, United States Circuit Judge:

Movant Johnny Martinez is currently incarcerated in the Federal Correctional Complex in Coleman, Florida, pursuant to his conviction in *United States v. Martinez*, No. 99-CR-1048-4 (DC). The Court of Appeals granted Movant leave to bring a successive motion under 28 U.S.C. § 2255 challenging this conviction and sentence, and his § 2255 motion was opened under a new civil docket number, *Martinez v. United States*, ECF 1:20-CV-2723, 1 (DC) (S.D.N.Y. filed Apr. 1, 2020). By order dated April 1, 2020, the Court directed Movant, within 30 days, either to file an amended § 2255 motion or to submit a letter stating that he wishes to rely on his already filed submission.

Movant submitted an application, signed on May 26, 2020, styled as a § 2255 motion but without any docket number. The Clerk of Court opened that submission as a new civil action and assigned it docket number 20-CV-4400 (DC). Upon examining the application, however, the Court concludes that this submission was intended as the amended § 2255 motion that Movant was authorized to file under docket number 20-CV-2723 (DC).

The Court therefore respectfully requests that the Clerk of Court: (1) mail a copy of this order to Movant, noting service on the docket; (2) file the § 2255 motion (ECF No. 1) from the action under docket number 20-CV-4400 (DC), as an amended § 2255 motion in the

2

action under docket number 20-CV-2723 (DC); and (3) administratively close the action under docket number 20-CV-4400 (DC).

This order closes the case under docket number 20-CV-4400 (DC). All further papers filed or submitted for filing must include the criminal docket number, 99-CR-1048 (DC), and will be docketed in the criminal case.

SO ORDERED.

Dated: June 10, 2020
New York, New York

s/Denny Chin
Denny Chin
United States Circuit Judge